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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,765	03/22/2004	Michael Platte	2924	1253

7590 12/08/2006

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EXAMINER

ABOAGYE, MICHAEL

ART UNIT PAPER NUMBER

1725

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/805,765	Applicant(s) PLATTE ET AL.	
	Examiner Michael Aboagye	Art Unit 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-14 is/are allowed.
- 6) ☒ Claim(s) 15-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-17 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogt (US Patent no. 6,414,260).

Vogt discloses a holding device for holding electrodes for resistance welding, comprising: an electrode arm, a connecting element "6" for connecting and/or fixing an electrode with an electrode arm of a welding apparatus; said connecting element comprising: a base body and a sensor "48" selected from the group consisting of a sensor for introducing and receiving ultrasound waves into an electrode; said sensor disposed at an end side and arranged in a recess on a base body of the connecting element and mounted in the connecting element such that it is in contact with the end side of the electrode. Note also that the sensor is considered as being cylindrical in shape (Fig.1 and 2, column 3, line 58 – column 4, lines 1- 29 and column 5, lines 1-17); said holding device further comprising a second electrode arm with a second connecting element, formed so that a sensor for introducing ultrasound waves into an

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electrode is arranged in one of said connecting elements and a sensor for receiving ultrasound waves is arranged in another of said connecting elements (column 3, lines 27 – 57).

Vogt shows a holding device wherein the electrode arm has a diameter, which is greater than a diameter of the electrode, said electrode arm being provided at an end side with an opening for receiving a portion of the electrode (Fig.1; column 5, lines 1- 24).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15- 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art (AAPA) in view of Vogt (US Patent no. 6,414,260).

AAPA discloses a holding device for holding electrodes for resistance welding, comprising: an electrode arm "15"; a connecting element "12' that is connected with said electrode arm, said connecting element including a base body; said holding device further comprises a second electrode arm with a second connecting element (figures 1- 4); said connecting elements connect and/or fix electrodes with the electrode arm of a welding apparatus; said connecting element composed of a material which has the same or substantially similar acoustic properties as a material of the electrode; a sensor

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"13" arranged in a recess of said base body (figure 1-3) for introducing ultrasound waves into an electrode and for receiving ultrasound waves or both, wherein the connecting element is formed as a clamping element and connectable with the electrode arm so that it fixes the electrode in a clamping seat (see, screws 51,52, figure 4), (note, the electrode arm has a surface to receive the electrode during clamping, attention is further drawn to the applicants' specification page 22, line 5-10, which discloses the corresponding features between Figures 4 and figure 5). Note the disclosed sensor is cylindrical in shape and is mounted in an opening of the connecting element, and in contact with an end side of said electrode. AAPA also shows an electrode arm having a diameter greater than the diameter of the electrode, and an opening for receiving a portion of the electrode. The clamping element of AAPA has an inner contour which corresponds to an outer contour of the electrode; and further comprising screw means for connecting the clamping element with a counter plate "17" which is formed as a collar-shaped extension of said electrode arm; wherein said counter plate is formed as one piece with said electrode arm (specification, page 19 – 22, and Figures 1 and 4).

AAPA does not expressly teach a sensor disposed at an end side of said connecting element facing an electrode arm.

However Vogt shows a sensor disposed at an end side of said connecting element facing an electrode arm as in paragraph 2 above to protect the sensor against mechanical damage (see, Vogt, column 6, lines 51-55). Vogt further teaches Vogt teaches a development, which provides the sensor with a sound influencing medium in

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a way as to avoid undesirable reflection or damping of the ultrasonic waves (column 3, line 28 – column 4, line 52).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to have modified the apparatus of AAPA with the a sensor disposed at an end side of said connecting element facing an electrode arm as taught by Vogt in order to protect the sensor against mechanical damage (see, Vogt, column 6, lines 51-55).

Allowable Subject Matter

6. Claims 1-5 and 7-14 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fail to teach a connecting element for connecting and/or fixing an electrode with an electrode arm of a welding apparatus, wherein outer contours of the clamping element and sensor are formed to correspond with an outer contour of the electrode arm, so that after assembly, the clamping element, the sensor, and the electrode arm together produce a stepless outer contour.

Response to Arguments

8. The examiner acknowledges the applicants' amendments received by the USPTO on November 13, 2006. Claims 1-5 and 7-21 remain under consideration in the application.

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9. Applicants' argument filed November 13, 2006 regarding claims 15-21 have been fully considered but they are not persuasive. The examiner maintains that Vogt figure 1 distinctly shows three major features namely: the electrode, the electrode holder and the third segment (the electrode arm), these three segments are related such that the electrode holder (connecting element) connects the electrode shaft to the electrode arm and having the ultrasonic sensor disposed in a recess of the base body of the connecting element (see column 3, lines 27-39 and column 4, lines 1-6). The examiner further maintains that, AAPA shows a connecting element "16" formed as a clamp which is connectable with the electrode arm so that it fixes the electrode in a clamping seat (see, AAPA figure 4); AAPA further shows an ultrasound sensor disposed in a recess of a attachment element of the electrode shaft (see AAPA figure 1).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Michael Aboagye
Assistant Examiner
Art unit 1725

12/04/2006

KEVIN KERNS
PRIMARY EXAMINER
Kevin Kerns 12/5/06